

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00227-MR**

RICKY L. HEFNER,)
Plaintiff,)
vs.)
JOHNATHAN HEATH JONES, et al.,) ORDER
Defendants.)

THIS MATTER is before the Court on the Plaintiff's *pro se* "Request to File Amendment to Complaint." [Doc. 10].

The *pro se* incarcerated Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred on June 12, 2018 in Sylva, North Carolina. The Complaint [Doc. 1] has not yet been reviewed for frivolity. In the instant Request, which is construed as a Motion for Leave to Amend the Complaint, the Plaintiff seeks an “extension of time” until December 30, 2021 to file an Amended Complaint. [Doc. 10 at 2].

The Plaintiff's Motion to Amend will be denied as moot because he may amend as a matter of right. Fed. R. Civ. P. 15. However, the Court will refrain from screening the Complaint for frivolity until December 30, 2021 as

a courtesy. Should the Plaintiff fail to file an Amended Complaint by that date, the Court will proceed on the original Complaint.

IT IS, THEREFORE, ORDERED that the Request to File Amendment to Complaint [Doc. 10] is construed as a Motion to Amend and is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: December 7, 2021



Martin Reidinger
Chief United States District Judge

